

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2007 JUL 26 PM 4:48

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY W DEPUTY

DEBORAH PARKER AND DONALD
PARKER

Plaintiffs,

V.

KEY BANK, NA.

Defendant.

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CIVIL NO. 1:07-CV-338-SS

PLAINTIFFS' SECOND AMENDED COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Deborah Parker and Donald Parker, hereinafter called Plaintiffs, complaining of and about Key Bank, NA, hereinafter called Defendant or Key Bank, and for cause of action show unto the Court the following:

PARTIES AND SERVICE

1. Plaintiff, Deborah Parker, is an Individual whose address is 4109 Hillside Drive, Lago Vista, Texas 78645.

2. Plaintiff, Donald Parker, is an Individual whose address is 4109 Hillside Drive, Lago Vista, Texas 78645.

3. Defendant Key Bank, NA, a Nonresident Corporation, has appeared herein and may be served by and through its attorney of record.

FACTS

4. Key Bank has reported and continues to report inaccurate information to all Credit Reporting Agencies. Key Bank has been notified on numerous occasions that it is reporting inaccurate information and has been given all information necessary to make appropriate changes

Exhibit "A"

Complaints were sent to all Credit Reporting Agencies. Upon inquiries of the Credit Reporting Agencies, Key Bank again reported inaccurate information.

A. With regard to Donald Parker, Key Bank has reported the Parkers' account, listed as closed, was discharged in bankruptcy with \$25,000.00 owed.

B. With regard to Deborah Parker, Key Bank reports the exact same error when reporting to TransUnion. With CSC, Defendant has listed the Parker's bankruptcy as dated August 2005, when, in fact, it occurred in January 2005.

5. The inaccuracies reported have damaged Plaintiffs' credit and resulted in difficulty in obtaining credit which would otherwise be easily obtained.

6. All conditions precedent to filing suit have occurred.

VIOLATION OF 15 U.S.C. 1681s-2(b)

7. Defendant was made aware of inaccuracies in the information it reported to Credit Reporting Agencies. Defendant was made aware of this fact by both Plaintiffs and Credit Reporting Agencies.

8. Despite being given every opportunity to correct inaccuracies and being given all relevant information, Defendant failed to conduct a reasonable investigation which would have led to the correction of their errors.

9. As a result of their failure to perform a reasonable investigation, Defendant continues to report inaccurate information to the detriment of Plaintiffs.

DAMAGES AND ATTORNEY'S FEES

10. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiffs, Donald and Deborah Parker, were caused to suffer damage to their credit history which has resulted in problems receiving credit or obtaining the best interest rates possible.

11. In addition to the damages described above, Plaintiffs seek recovery of statutory and punitive damages under 15 USC 1681n.

12. Due to the conduct of Defendant, Plaintiffs were required to obtain legal counsel and incurred attorney's fees. Plaintiffs seek recovery of their attorney's fees under 15 USC 1681n or 15 USC 1681o and equity.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, Deborah Parker and Donald Parker, respectfully pray that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendant for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

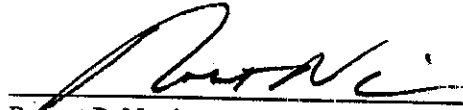
Respectfully submitted,

By: 

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Attorney for Plaintiffs
Deborah Parker and Donald Parker

CERTIFICATE OF SERVICE

I certify that on July 25, 2007 a true and correct copy of Plaintiffs' Amended Complaint was served by facsimile transmission on Leslie M. Luttrell at (210) 224-5091.



Robert P. Nunis